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Paper 33
Filed: 21 May 2009

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

ROBERT W. RATTE and NORMAN E. PETERSON
Junior Party
(Patent 6,902,095),

v.

BERNARD N. SPIEGELBERG and TERRY J. EVRAETS
Senior Party
(Application 11/268,497).

Patent Interference No. 105,659 (SCM)
(Technology Center 1700)

Before JAMESON LEE, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

Judgment – Request for Adverse – Bd.R. 127(b)

1 The Tulip Corporation, the assignee of both the Ratte patent and
2 Spielgelberg application, was ordered to show cause why judgment should not be
3 entered against the junior party Ratte. Paper 29. In response, “Junior Party Ratte
4 concedes priority and requests adverse judgment with respect to Count 1.” Paper
5 32, p. 2. The statement is construed as a request for entry of adverse judgment.
6 37 C.F.R. §41.127(b). The request is granted.

7 Accordingly, it is

8 ORDERED that judgment is entered against Ratte for count 1
9 (Paper 1 at 4);

10 FURTHER ORDERED that claims 1-9 of Ratte’s involved patent
11 are CANCELLED, 35 U.S.C. § 135(a); and

12 FURTHER ORDERED that the parties shall note the requirements
13 of 35 U.S.C. § 135(c) and Bd.R. 205; and

 FURTHER ORDERED that a copy of this judgment be entered in
the administrative records of the involved Ratte patent and Spiegelberg application.

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